

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

METROPOLITAN APARTMENTS)
AT CAMP SPRING, LLC,)
)
Plaintiff,)
v.)
)
NATIONAL SURETY CORPORATION)
)
Defendant.)
_____)

Civil Action No. 1:14-cv-00107

ORDER


This matter is before the Court on the Proposed Findings of Fact and Recommendation of the Magistrate Judge [Doc. No. 51], entered on May 29, 2014, regarding plaintiff's Motion to Compel Appraisal [Doc. No. 42], in which the Magistrate Judge recommends "a finding that plaintiff has not waived its contractual and statutory right to compel appraisal of the loss amount; defendant should submit to the appraisal process; during the appraisal, all other litigation activity in this case should be stayed; the parties should file with the court reports detailing the status of the appraisal process at sixty day intervals; and that the parties be required to meet with the magistrate judge following the conclusion of the appraisal process to discuss a resolution of any remaining issues." Doc. No. 51 at 14. On June 11, 2014, plaintiff filed its Unopposed Motion to Stay All Deadlines Pending a Ruling on Proposed Findings of Fact and Recommendations [Doc. No. 53], which was granted by Order of the Magistrate Judge on June 12, 2014 [Doc. No. 54]. No objections were filed during the fourteen day period as required by Fed. R. Civ. P. 72(b)(2); however, on June 16, 2014, plaintiff filed a Response to Magistrate Judge Anderson's Report and Recommendation to Compel Appraisal [Doc. No. 56]. In that Response, plaintiff does not take issue with any aspect of the Magistrate Judge's Findings of Fact and Recommendation,

except to the extent that plaintiff requests that "the recommended stay of litigation not apply to a narrow category of discovery: outstanding requests for production of documents (but excluding expert discovery)...." Doc. No. 56 at 1. Defendant filed a Reply [Doc. No. 57] in opposition to that modification, and plaintiff filed a subsequent Reply [Doc. No. 58] in further support. The Court has conducted a *de novo* review of the evidence in this case and considered the memoranda filed in support of and in opposition to plaintiff's requested modification of the blanket stay of discovery, and hereby adopts and incorporates the findings and recommendations of the Magistrate Judge in full and without modification. Accordingly, it is hereby

ORDERED that plaintiff's Motion to Compel Appraisal [Doc. No. 42] be, and the same hereby is, GRANTED; and it is further

ORDERED that defendant shall submit to the appraisal process, that during the appraisal, all other litigation activity in this case shall be stayed; the parties shall file with the Court reports detailing the status of the appraisal process at sixty day intervals; and that the parties shall be required to meet with the Magistrate Judge following the conclusion of the appraisal process to discuss a resolution of any remaining issues.

The Clerk is directed to forward copies of this Order to all counsel of record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
July 17, 2014